

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 15-06080-PSG (AS)	Date	June 3, 2016
Title	<u>Carlos Aguirre v. Neil McDowell, Warden</u>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge		
	Alma Felix	N/A	
	Deputy Clerk	Court Reporter / Recorder	
	Attorneys Present for Petitioner:	Attorneys Present for Respondent:	
	N/A	N/A	

**Proceedings:** (IN CHAMBERS) ORDER TO SHOW CAUSE

On August 11, 2015, Petitioner Carlos Aguirre (“Petitioner”) filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. (Docket Entry No. 1). On February 25, 2016, the Court issued an Order granting Petitioner’s motion for a stay pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2002). (Docket Entry No. 18). Accordingly, the Court dismissed Petitioner’s unexhausted claims (Grounds Four, Five, Six and a portion of Ground Seven) and stayed his remaining exhausted claims (Grounds One, Two, Three and a portion of Ground Seven) to permit Petitioner to present the unexhausted claims to the California Supreme Court Id. The Court ordered Petitioner to file a status report, no later than April 25, 2016, addressing the status of Petitioner’s state habeas petition, including the date it was filed, the court in which it is pending, the case number, and any recent activity. The Court also directed Petitioner to notify the Court within thirty (30) days of the California Supreme Court’s decision on a habeas petition filed by Petitioner. Id. Petitioner was expressly warned that failure to comply with the Court’s Order may result in a recommendation that this action be dismissed with prejudice for his failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).

To date, Petitioner has failed to file a status report informing the Court of the status of his state habeas petition, in compliance with the Court’s February 25, 2016 Order.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE why the Court should not dismiss this action for failure to prosecute and/or obey a Court order. Petitioner must file a response to this Order **no later than June 23, 2016. Any response to this Order must include the following information: the status of Petitioner’s state habeas petition,**

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**including the date it was filed, the court in which it is pending, the case number and any recent activity.**

**Petitioner is expressly warned that failure to file a timely response to this Order will result in a recommendation that this action be dismissed with prejudice for his failure to prosecute and/or comply with Court orders. See Fed. R. Civ. P. 41(b); Rule 12, Rules Governing Section 2254 Cases in the United States District Courts.**

Initials of  
Preparer

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